

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director / (954) 797-1101
Prepared by: Roberta Moore, Planner I

SUBJECT: Ordinance
Vehicle Truck Sales and Rental

AFFECTED DISTRICT: Townwide

TITLE OF AGENDA ITEM:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

REPORT IN BRIEF:

On January 18, 2001 Town Council enacted a 'Planning and Zoning in Progress' to allow staff to review and make revisions to the sections of the Land Development Code pertaining to the siting of vehicle sales and rental facilities. Town Council desired to amend the Land Development Code to provide clarification on permitted and special permit uses pertaining to siting of new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, horse trailers and moving trailer rental, movers and taxi service establishments within the Town.

The regulations, as proposed, further define the various types of vehicle sales and rentals which may exist and allows these specific uses in zoning categories based upon their potential

impact to surrounding properties. Uses specified include the following:

- automobile sales, new and used
- automobile rental
- truck sales, new and used
- truck and trailer rentals
- motorcycle shops
- mobile home, manufactured housing, recreational vehicle sales and horse trailers
- boat sales and rentals
- movers
- taxi-limousine service, dispatch

In addition, specific land development regulations are proposed to ensure that the placement of these facilities are designed to limit any adverse impacts on surrounding residential communities. Regulations address the location of vehicle display areas, overhead doors and loading areas, minimum lot size, car washes, loudspeakers, lighting and landscaping.

The intent of these regulations is to clearly identify the various types of vehicle sales and rental, ensure their compatibility with the surrounding environment and provide staff criteria by which to review a submitted site plan.

PREVIOUS ACTIONS: At the November 20, 2002 Town Council tabled this item to the January 15, 2003 meeting. Action carried 5-0.

CONCURRENCES: The Planning and Zoning Board, sitting as the Local Planning Agency, heard the item at the November 13, 2002 meeting. A Motion to Approve subject to the minimum acreage being changed from three acres to five acres; that no vehicle be elevated more than two feet or suspended by any means; that motorcycle shops be eliminated from the B-3 district; that there be a limitation on trucks' or trailers' sizes to two axels; that there be a 500-foot separation between vehicle sales and rentals or vehicle repair facilities, and residential properties; that there be a 250-foot distance separation from loading/unloading docks to the property line of a residential area; and that there be a minimum separation of 1,000 linear feet between vehicle sales and rental facilities. Motion carried 3-0, Ms. Lee and Mr. Bender absent.

FISCAL IMPACT: None

RECOMMENDATION(S): Staff recommends that Town Council approve the Ordinance.

Attachment(s): Ordinance



DEVELOPMENT SERVICES DEPARTMENT 797-1111

Administration 954-797-1101
Planning & Zoning 954-797-1103
Building & Occupational Licensing 954-797-1111
Code Enforcement 954-797-1121
Engineering 954-797-1113

TOWN OF DAVIE 6591 ORANGE DRIVE, DAVIE, FLORIDA 33314-3399 (954) 797-1030

MEMORANDUM

PZ 10-24-02

TO: Local Planning Agency

THRU: Mark Kutney, AICP, Development Services Director
Fernando Leiva, AICP, Planning and Zoning Manager

THRU: Marcie Oppenheimer Nolan, AICP, Planner III

FROM: Roberta Moore, Planner I

DATE: October 31, 2002

RE: *Ordinance*
Vehicle Sales and Rental

The Town Council enacted a 'Planning and Zoning in Progress' for all vehicle sales and rental within the Town on January 18, 2001. Staff was directed to provide new land development regulations pertaining to where and when vehicle sales and rental could occur and remove any inconsistencies in the code between vehicle sales and vehicle rental.

The regulations, as proposed, further define the various types of vehicle sales and rentals which may exist and allows these specific uses in zoning categories based upon their potential impact to surrounding properties. Uses specified include the following:

- automobile sales, new and used
- automobile rental
- truck sales, new and used
- truck and trailer rentals
- motorcycle shops
- mobile home, manufactured housing, recreational vehicle sales and horse trailers
- boat sales and rentals
- movers

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- taxi-limousine service, dispatch

In addition, specific land development regulations are proposed to ensure that the placement of these facilities are designed to limit any adverse impacts on surrounding residential communities. Regulations address the location of vehicle display areas, overhead doors and loading areas, minimum lot size, car washes, loudspeakers, lighting and landscaping.

The intent of these regulations is to clearly identify the various types of vehicle sales and rental, ensure their compatibility with the surrounding environment and provide staff criteria by which to review a submitted site plan.

Staff recommends approval of the proposed amendment to the land development code to regulate vehicle sales and rental within the Town limits.

ORDINANCE _____

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE TOWN OF DAVIE, AMENDING SECTION 12-32(B), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, MOTORCYCLE SHOPS AND MOVERS; AND AMENDING SECTION 12-32(C), ENTITLED "TABLE OF PERMITTED USES"; PROVIDING FOR APPROPRIATE ZONING DISTRICTS FOR VEHICLE SALES AND RENTAL INCLUDING AUTOMOBILE SALES, AUTOMOBILE LEASING, BOAT SALES, BOAT RENTAL, MOBILE HOMES, MANUFACTURED HOUSING, RECREATIONAL VEHICLE SALES, HORSE TRAILER AND MOVING TRAILER RENTAL, MOVERS, AND TAXI SERVICE ESTABLISHMENTS; AND AMENDING SECTION 12-34 ENTITLED "STANDARDS ENUMERATED"; PROVIDING FOR DETAILED REGULATIONS REGARDING THE SITING OF SUCH USES; AMENDING SECTION 12-503, ENTITLED "DEFINITIONS"; PROVIDING FOR A DEFINITION OF VEHICLE SALES AND RENTAL; PROVIDING FOR INTENT; PROVIDING FOR REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Davie enacted a 'Planning and Zoning in Progress' on January 18, 2001 to allow staff to review and make revisions to the sections of the Land Development Code pertaining to the siting of vehicle sales and leasing facilities; and

WHEREAS, the Town Council of the Town of Davie desires to amend the Land Development Code to provide clarification on permitted and special permit uses pertaining to the siting of new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicle sales, horse trailers and moving trailer rental, movers, and taxi service establishments within the Town; and

WHEREAS, the Local Planning Agency of the Town of Davie held a public hearing on November 13, 2002; and

WHEREAS, the Town Council of the Town of Davie held a public hearing duly advertised as required by State Statutes on January 15, 2003, and on date of adoption of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. That Section 12-32, Table of Permitted Uses, of the Town Code is amended to read as follows:

(B) COMMERCIAL, OFFICE AND BUSINESS DISTRICTS

GENERAL USE

	SC & B-1	WT & B-2	UC & B-3	O	FB	CC	C1	RO

<u>Motorcycle shop</u>	<u>N</u>	<u>N</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Movers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>
<u>Truck, Auto, Trailer, Utility Rental</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>N</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>N</u>
<u>Vehicle, Boat, Truck Sales Sales and Rentals</u>	<u>N</u>	<u>N</u>	<u>*</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>*</u>	<u>P</u>

(C) BUSINESS PARK AND INDUSTRIAL

GENERAL USE

	BP	M-1	M-2	M-3

<u>Motorcycle Shop</u>	<u>*</u>	<u>*</u>	<u>*</u>	<u>*</u>
<u>Movers</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Taxi service, dispatch</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Vehicle, Boat, Truck Sales Sales and Rental</u>	<u>*</u>	<u>P</u>	<u>*</u>	<u>P</u>

SECTION 2. That Section 12-34, Standards Enumerated, of the Town Code is

amended to read as follows:

~~(CC) Vehicle, Mobile Home, Recreational Vehicle, Boat Sales, Rentals.~~

~~(1) Automobile sales facilities shall be subject to the following:~~

- ~~(a) The minimum parcel size for development of an automobile and / or truck sales facility shall be five (5) acres.~~
- ~~(b) In the CC and BP districts, the sale and display of trucks may be permitted as a secondary product to the automobile sales facility; provided, however, the trucks sold and displayed consist of no more than two (2) axles and consume no more than fifty (50) percent of sales / display area.~~
- ~~(c) An automobile service facility, including auto body and paint shop, may be included within the development, provided the facility is wholly internalized within the development and is clearly ancillary to the automobile sales facility. No independent signage, except directional sign(s) within the development itself, shall be permitted for the automobile service facility.~~

(CC) Vehicle sales and rental means an establishment, as defined by the Department of Motor Vehicles, engaged in the retail or wholesale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicles sales, horse trailers and moving trailer and vehicle rental.

(1) Zoning District limitations and use criteria:

(a) B-3 zoning district:

- (1) Moving truck, maximum two (2) axles, and moving trailer, maximum two (2) axles, rental, accessory. In the B-3 district, limited truck and trailer rental, limited to five (5) vehicles per lot, shall be permitted as an accessory use to an auto service station and subject to site plan approval.
- (2) Automobile sales, new and used. The minimum lot area for automobile sales shall be the minimum of three (3) acres, excluding truck and trailer rental as accessory.
- (3) Truck sales, maximum two axles, new and used. The minimum lot area for truck sales, shall be three (3) acres.

(4) Motorcycle Shop.

(a) A Special Permit approval is required as stated in Section 12-308, said mailing shall be measured at the boundaries of the overall parcel. The use must meet the following criteria:

1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.
2. Building or bay must be soundproof where engine repair or engine ignition is performed.
3. Routine vehicle maintenance shall be permitted, when clearly accessory to the primary use.
4. Installation of parts and accessories only with sales.
5. All installation shall be performed inside.
6. Shall be separated from adjacent residential districts with a minimum six (6) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in Section 12-107 (D).
7. Shall be a minimum of 1,000 linear feet, measured property line to property line, from any other motorcycle shop.
8. Motorcycle engines shall be started only inside a completely enclosed building or bay.
9. Shall be located a minimum of 500 feet from any residential use, as measured from the tenant bay or lease line.

(b) BP and CC zoning districts:

- (1) Automobile sales, new with used allowed as an accessory use. The sale and display of trucks shall be permitted as an accessory product to the automobile sales facility; provided, however, the trucks sold and displayed consist of no more than two (2) axles and consume no more than fifty (50) percent of sales / display area.
- (2) Automobile sales, new and used. The minimum lot area for automobile sales shall be the minimum of three (3) acres, excluding truck and trailer rental as accessory.

(3) Motorcycle Shop.

(a) A Special Permit approval is required as stated in Section 12-308, said mailing shall be measured at the boundaries of the overall parcel. The use must meet the following criteria:

1. Outside display of motorcycles shall be clearly indicated on a site plan approved as part of the special permit.
2. Building or bay must be soundproof where engine repair or engine

- ignition is performed.
3. Routine vehicle maintenance shall be permitted, when clearly accessory to the primary use.
 4. Installation of parts and accessories only with sales.
 5. All installation shall be performed inside.
 6. Shall be separated from adjacent residential districts with a minimum six (6) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in Section 12-107 (D).
 7. Shall be a minimum of 1,000 linear feet, measured property line to property line, from any other motorcycle shop.
 8. Motorcycle engines shall be started only inside a completely enclosed building or bay.
 9. Shall be located a minimum of 500 feet from any residential use, as measured from the tenant bay or lease line.

(c) M-1, M-2, M-3 zoning districts:

- (1) Truck and trailer rental.
- (2) Truck sales, new and used.
- (3) Mobile home, manufactured housing, recreational vehicle sales, and horse trailers, new and used.
- (4) Boat sales and rentals, new and used.
- (5) Indoor vehicle showrooms shall be allowed, subject to the following:
 - a. Floor area. The indoor vehicle showroom shall not exceed 20,000 square feet and shall be limited to 10 display vehicles.
 - b. Parking. Vehicles for sale or lease shall not be parked or displayed outside the showroom. Trucks used to transport vehicles to and from the showroom shall not be parked in required parking areas and shall not be stored on-site.
 - c. Maintenance and repair. Maintenance, repair, paint or detailing shall not occur on-site.
 - d. Vehicles. Display of vehicles for sale and lease shall be limited to custom, special order, and antique cars.

(6) Motorcycle Shop.

- (a) In the industrial zoning districts, a special permit shall not be required. The following criteria shall be met:

1. Outside display of motorcycles shall be clearly indicated on a site plan.
2. Building or bay must be soundproof where engine repair or engine ignition is performed.
3. Routine vehicle maintenance shall be permitted.
4. All installation shall be performed inside.
5. Shall be separated from adjacent residential districts with a minimum six (6) foot high concrete wall and ten (10) foot landscape buffer with landscape requirements as stated in Section 12-107 (D).
6. Shall be a minimum of 1,000 linear feet, measured property line to property line, from any other motorcycle shop.
7. Motorcycle engines shall be started only inside a completely enclosed building or bay.
8. Shall be located a minimum of 500 feet from any residential use, as measured from the tenant bay or lease line.

(2) Additional Development Standards for vehicle sales and rental establishments.

- (a) Accessory repairs and part sales. Repair facilities and sales of parts may be provided as an accessory use. Repair facilities and paint and body shops shall be located at least five hundred (500) feet from any residential use or residential land use plan designation or zoning district boundary. Service bay doors shall not be oriented toward any adjacent property in a residential district, or oriented toward any adjacent public street. There shall be no outdoor repair of vehicles. No outside storage of dissembled vehicles, or parts thereof, shall be permitted on site.
- (b) Sales office. The minimum size of all sales offices shall be 2,000 square feet in the B-3, CC and BP. No mobile home, recreational vehicle, or other vehicle shall be used as sales offices, storage space or for sleeping purposes.
- (c) Car Wash. If any accessory car wash facility is installed on site, it shall use a water recycling system.
- (d) Loudspeakers. No outdoor speakers or public address systems that are audible from the exterior of the site shall be permitted.
- (e) Unloading space. The development shall include an area on site to unload vehicles from car carriers. This area shall be a minimum of 15 feet wide and sixty feet long, shall have sufficient maneuvering area adjacent to it, shall be located out of the vehicular traffic circulation and shall not be adjacent to any residential use or residential land use plan designation or zoning district boundary. The unloading area shall be located a minimum of 250 feet from any from any residential use or residential land use plan designation or zoning district boundary.
- (f) Parking. Motor vehicle display, sales, rental and storage shall be permitted subject to the following:

- (1) Storage. Motor vehicle dealerships may store vehicles outdoors on an improved parking surface without reference to parking stall, backup distances, parking stall striping or wheel stops. For outdoor motor vehicle sales and display parking, signs and stall striping are not required. Parking for vehicle storage, sales, or display shall not be counted toward meeting the number of required off-street parking spaces to be provided for customers and employees.
 - (2) Display. If a specialized vehicular area is utilized for display of vehicles, there shall be a barrier separating it from customer parking. This barrier may be in the form of a landscape strip, curbing, removable bollards or other suitable barrier approved by the Department Services Director.
 - (3) Vehicles. No vehicles shall be parked with its hood or trunk open. Motor vehicles on display shall not be elevated above two (2) feet.
 - (4) Customer parking. Customer parking shall be marked with an above grade sign and shall be physically separated from the motor vehicle sales, storage and display space.
 - (5) Security. When the facility is not open, the parking area shall be locked and gated.
- (g) Operating condition. No vehicles, other than for customers and employee parking, shall be stored or displayed on the site except those which are intended for sale and are in running condition. Motorcycles, auto, truck, boat, mobile home, and recreational vehicles shall be maintained in a safe operating condition at all times. If in a used condition, they shall have a current valid license plate.
- (h) Lighting. All light poles within 250 feet of any residential land use plan designation or zoning district boundary shall be limited to a maximum height of 25' to the top of the luminaire.
- (i) Landscaping. A minimum landscape buffer of 25 feet shall be required for all vehicle sales and rental adjacent to any residential use or residential land use plan designation or zoning district boundary. Such landscape buffer shall consist of shall contain one (1) fourteen - to sixteen foot canopy tree for each thirty linear feet or fraction thereof of property line, one (1) accent tree shall be required every 50' linear feet or fraction thereof of property line, and a continuous row of hedges shall be installed.

SECTION 3. That Section 12-503, Definitions, of the Town Code is amended to read as follows:

Vehicle sales and rental. An establishment that is engaged in the retail or wholesale or rental, from the premises, of motorized vehicles or equipment or mobile homes, along with incidental service or maintenance. Typical uses include new and used automobile sales, automobile rental, boat sales, boat rental, mobile home, manufactured housing and recreational vehicles sales, horse trailers and moving trailer rental.

SECTION 4. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. This ordinance shall take effect immediately upon its passage and adoption.

PASSED ON FIRST READING THIS _____ DAY OF _____, 2003

PASSED ON SECOND READING THIS _____ DAY OF _____, 2003

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2003